

Public Law 79-291

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Pub.L. 79–291, 59 Stat. 669, H.R. 4489, enacted December 29, 1945. Chapter 652

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79TH UNITED STATES CONGRESS 1ST SESSION

An Act

To extend certain privileges, exemptions, and immunities to international organizations and to the officers and employees thereof, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I

SECTION 1.

For the purposes of this title, the term “international organization” means a public international organization in which the United States participates pursuant to any treaty or under the authority of any Act of Congress authorizing such participation or making an appropriation for such participation, and which shall have been designated by the President through appropriate Executive order as being entitled to enjoy the privileges, exemptions, and immunities herein provided. The President shall be authorized, in the light of the functions performed by any such international organization, by appropriate Executive order to withhold or withdraw from any such organization or its officers or employees any of the privileges, exemptions, and immunities provided for in this title (including the amendments made by this title) or to condition or limit the enjoyment by any such organization or its officers or employees of any such privilege, exemption, or immunity. The President shall be authorized, if in his judgment such action should be justified by reason of the abuse by an international organization or its officers and employees of the privileges, exemptions, and immunities herein provided or for any other reason, at any time to revoke the designation of any international organization under this section, whereupon the international organization in question shall cease to be classed as an international organization for the purposes of this title.

SEC. 2.

International organizations shall enjoy the status, immunities, exemptions, and privileges set forth in this section, as follows:

- (a) International organizations shall, to the extent consistent with the instrument creating them, possess the capacity—
 - (i) to contract;
 - (ii) to acquire and dispose of real and personal property;
 - (iii) to institute legal proceedings.
- (b) International organizations, their property and their assets, wherever located, and by whomsoever held, shall enjoy the same immunity from suit and every form of judicial process as is enjoyed by foreign governments, except to the extent that such organizations may expressly waive their immunity for the purpose of any proceedings or by the terms of any contract.
- (c) Property and assets of international organizations, wherever located and by whomsoever held, shall be immune from search, unless such immunity be expressly waived, and from confiscation. The archives of international organizations shall be inviolable.
- (d) Insofar as concerns customs duties and internal-revenue taxes imposed upon or by reason of importation, and the procedures in connection therewith; the registration of foreign agents; and the treatment of official communications, the privileges, exemptions, and immunities to which international organizations shall be entitled shall be those accorded under similar circumstances to foreign governments.

SEC. 3.

Pursuant to regulations prescribed by the Commissioner of Customs with the approval of the Secretary of the Treasury, the baggage and effects of alien officers and employees of international organizations, or of aliens designated by foreign governments to serve as their representatives in or to such organizations, or of the families, suites, and servants of such officers, employees, or representatives shall be admitted (when imported in connection with the arrival of the owner) free of customs duties and free of internal-revenue taxes imposed upon or by reason of importation.

SEC. 4.

The Internal Revenue Code is hereby amended as follows:

- (a) Effective with respect to taxable years beginning after December 31, 1943, section 116 (c), relating to the exclusion from gross income of income of foreign governments, is amended to read as follows:

“(C) INCOME OF FOREIGN GOVERNMENTS AND OF INTERNATIONAL ORGANIZATIONS.—The income of foreign governments or international organizations received from investments in the United States in stocks, bonds, or other domestic securities, owned by such foreign governments or by international organizations, or from interest on deposits in banks in the United States of moneys

belonging to such foreign governments or international organizations, or from any other source within the United States.’’

- (b) Effective with respect to taxable years beginning after December 31, 1943, section 116 (h) (1), relating to the exclusion from gross income of amounts paid employees of foreign governments, is amended to read as follows:

‘‘(1) RULE FOR EXCLUSION.—Wages, fees, or salary of any employee of a foreign government or of an international organization or of the Commonwealth of the Philippines (including a consular or other officer, or a nondiplomatic representative), received as compensation for official services to such government, international organization, or such Commonwealth—

‘‘(A) If such employee is not a citizen of the United States, or is a citizen of the Commonwealth of the Philippines (whether or not a citizen of the United States); and

‘‘(B) If, in the case of an employee of a foreign government or of the Commonwealth of the Philippines, the services are of a character similar to those performed by employees of the Government of the United States in foreign countries or in the Commonwealth of the Philippines, as the case may be; and

‘‘(C) If, in the case of an employee of a foreign government or the Commonwealth of the Philippines, the foreign government or the Commonwealth grants an equivalent exemption to employees of the Government of the United States performing similar services in such foreign country or such Commonwealth, as the case may be.’’

- (c) Effective January 1, 1946, section 1426 (b), defining the term ‘‘employment’’ for the purposes of the Federal Insurance Contributions Act, is amended (1) by striking out the word ‘‘or’’ at the end of paragraph (14), (2) by striking out the period at the end of paragraph (15) and inserting in lieu thereof a semicolon and the word ‘‘or’’, and (3) by inserting at the end of the subsection the following new paragraph:

‘‘(16) Service performed in the employ of an international organization.’’

- (d) Effective January 1, 1946, section 1607 (c) defining the term ‘‘employment’’ for the purposes of the Federal Unemployment Tax Act, is amended (1) by striking out the word ‘‘or’’ at the end of paragraph (14), (2) by striking out the period at the end of paragraph (15) and inserting in lieu thereof a semicolon and the word ‘‘or’’, and (3) by inserting at the end of the subsection the following new paragraph:

“(16) Service performed in the employ of an international organization.”

- (e) Section 1621 (a) (5), relating to the definition of “wages” for the purpose of collection of income tax at the source, is amended by inserting after the words “foreign government” the words “or an international organization”.
- (f) Section 3466 (a), relating to exemption from communications taxes is amended by inserting immediately after the words “the District of Columbia” a comma and the words “or an international organization”.
- (g) Section 3469 (f) (1), relating to exemption from the tax on transportation of persons, is amended by inserting immediately after the words “the District of Columbia” a comma and the words “or an international organization”.
- (h) Section 3475 (b) (1), relating to exemption from the tax on transportation of property, is amended by inserting immediately after the words “the District of Columbia” a comma and the words “or an international organization”.
- (i) Section 3797 (a), relating to definitions, is amended by adding at the end thereof a new paragraph as follows:

“(18) INTERNATIONAL ORGANIZATION.—The term ‘international organization’ means a public international organization entitled to enjoy privileges, exemptions, and immunities as an international organization under the International Organizations Immunities Act.”

SEC. 5.

- (a) Effective January 1, 1946, section 209 (b) of the Social Security Act, defining the term “employment” for the purposes of title II of the Act, is amended (1) by striking out the word “or” at the end paragraph (14), (2) by striking out the period at the end of paragraph (15) and inserting in lieu thereof a semicolon and the word “or”, and (3) by inserting at the end of the subsection the following new paragraph:

“(16) Service performed in the employ of an international organization entitled to enjoy privileges, exemptions, and immunities as an international organization under the International Organizations Immunities Act.”

- (b) No tax shall be collected under title VIII or IX of the Social Security Act or under the Federal Insurance Contributions Act or the Federal Unemployment Tax Act, with respect to services rendered prior to January 1, 1946, which are described in paragraph (16) of sections 1426 (b) and 1607 (c) of the Internal Revenue Code, as amended, and any such tax heretofore collected (including penalty and interest with respect thereto, if any) shall be refunded in accordance with the provisions of law applicable in the case of erroneous or illegal collection of the tax. No interest shall be allowed or paid on the amount of any such refund. No payment shall be made under title II of the Social Security Act

with respect to services rendered prior to January 1, 1946, which are described in paragraph (16) of section 209 (b) of such Act, as amended.

SEC. 6.

International organizations shall be exempt from all property taxes imposed by, or under the authority of, any Act of Congress, including such Acts as are applicable solely to the District of Columbia or the Territories.

SEC. 7.

- (a) Persons designated by foreign governments to serve as their representatives in or to international organizations and the officers and employees of such organizations, and members of the immediate families of such representatives, officers, and employees residing with them, other than nationals of the United States, shall, insofar as concerns laws regulating entry into and departure from the United States, alien registration and fingerprinting, and the registration of foreign agents, be entitled to the same privileges, exemptions, and immunities as are accorded under similar circumstances to officers and employees, respectively, of foreign governments, and members of their families.
- (b) Representatives of foreign governments in or to international organizations and officers and employees of such organizations shall be immune from suit and legal process relating to acts performed by them in their official capacity and falling within their functions as such representatives, officers, or employees except insofar as such immunity may be waived by the foreign government or international organization concerned.
- (c) Section 3 of the Immigration Act approved May 26, 1924, as amended (U.S.C., title 8, sec. 203), is hereby amended by striking out the period at the end thereof and inserting in lieu thereof a comma and the following:

``and (7) a representative of a foreign government in or to an international organization entitled to enjoy privileges, exemptions, and immunities as an international organization under the International Organizations Immunities Act, or an alien officer or employee of such an international organization, and the family, attendants, servants, and employees of such a representative, officer, or employee''.

- (d) Section 15 of the Immigration Act approved May 26, 1924, as amended (U.S.C., title 8, sec. 215), is hereby amended to read as follows:

``**SEC. 15.** The admission to the United States of an alien excepted from the class of immigrants by clause (1), (2), (3), (4), (5), (6), or (7) of section 3, or declared to be a nonquota immigrant by subdivision (e) of section 4, shall be for such time and under such conditions as may be by regulations prescribed (including, when deemed necessary for the classes mentioned in clause (2), (3), (4), or (6) of section 3 and subdivision (e) of section 4, the giving of bond with sufficient surety, in such sum and containing such conditions as may be by regulations prescribed) to insure that, at the expiration of such time or upon failure to maintain the status under which admitted, he will depart from the United States: *Provided*, That no alien who has been, or who may hereafter be, admitted into the United States under clause (1) or (7) of section 3, as an official of a foreign

government, or as a member of the family of such official, or as a representative of a foreign government in or to an international organization or an officer or employee of an international organization, or as a member of the family of such representative, officer, or employee, shall be required to depart from the United States without the approval of the Secretary of State."

SEC. 8.

- (a) No person shall be entitled to the benefits of this title unless he (1) shall have been duly notified to and accepted by the Secretary of State as a representative, officer, or employee; or (2) shall have been designated by the Secretary of State, prior to formal notification and acceptance, as a prospective representative, officer, or employee; or (3) is a member of the family or suite, or servant, of one of the foregoing accepted or designated representatives, officers, or employees.
- (b) Should the Secretary of State determine that the continued presence in the United States of any person entitled to the benefits of this title is not desirable, he shall so inform the foreign government or international organization concerned, as the case may be, and after such person shall have had a reasonable length of time, to be determined by the Secretary of State, to depart from the United States, he shall cease to be entitled to such benefits.
- (c) No person shall, by reason of the provisions of this title, be considered as receiving diplomatic status or as receiving any of the privileges incident thereto other than such as are specifically set forth herein.

SEC. 9.

The privileges, exemptions, and immunities of international organizations and of their officers and employees, and members of their families, suites, and servants, provided for in this title, shall be granted notwithstanding the fact that the similar privileges, exemptions, and immunities granted to a foreign government, its officers, or employees, may be conditioned upon the existence of reciprocity by that foreign government:

Provided, That nothing contained in this title shall be construed as precluding the Secretary of State from withdrawing the privileges, exemptions, and immunities herein provided from persons who are nationals of any foreign country on the ground that such country is failing to accord corresponding privileges, exemptions, and immunities to citizens of the United States.

SEC. 10.

This title may be cited as the "**International Organizations Immunities Act**".

TITLE II

SEC. 201. EXTENSION OF TIME FOR CLAIMING CREDIT OR REFUND WITH RESPECT TO WAR LOSSES.

If a claim for credit or refund under the internal revenue laws relates to an overpayment on account of the deductibility by the taxpayer of a loss in respect of property considered destroyed or seized under section

127 (a) of the Internal Revenue Code (relating to war losses) for a taxable year beginning in 1941 or 1942, the three-year period of limitation prescribed in section 322 (b) (1) of the Internal Revenue Code shall in no event expire prior to December 31, 1946. In the case of such a claim filed on or before December 31, 1946, the amount of the credit or refund may exceed the portion of the tax paid within the period provided in section 322 (b) (2) or (3) of such code, whichever is applicable, to the extent of the amount of the overpayment attributable to the deductibility of the loss described in this section.

SEC. 202. CONTRIBUTIONS TO PENSION TRUSTS.

(a) DEDUCTIONS FOR THE TAXABLE YEAR 1942 UNDER PRIOR INCOME TAX ACTS.—

Section 23 (p) (2) of the Internal Revenue Code is amended by striking out the words “January 1, 1943” and inserting in lieu thereof “January 1, 1942”, and by striking out the words “December 31, 1942” and inserting in lieu thereof “December 31, 1941”.

(b) EFFECTIVE DATE.—

The amendment made by this section shall be applicable as if it had been made as a part of section 162 (b) of the Revenue Act of 1942.

SEC. 203. PETITION TO THE TAX COURT OF THE UNITED STATES.

(a) TIME FOR FILING PETITION.—

The second sentences of sections 272 (a) (1), 732 (a), 871 (a) (1), and 1012 (a) (1), respectively, of the Internal Revenue Code are amended by striking out the parenthetical expression appearing therein and inserting in lieu thereof the following:

“(not counting Saturday, Sunday, or a legal holiday in the District of Columbia as the ninetieth day)”.

(b) EFFECTIVE DATE.—

The amendments made by this section shall take effect as of September 8, 1945.

Approved December 29, 1945.

Legislative History

- H.R. 4489

Notes

See 22 U.S.C. 288, notes (http://www.law.cornell.edu/uscode/html/uscode22/usc_sec_22_00000288----000-notes.html) for related information including recent lists for:

- Public International Organizations Entitled to Enjoy Certain Privileges, Exemptions, and Immunities
- Public International Organizations Formerly Entitled to Enjoy Certain Privileges, Exemptions, and Immunities

See Related

- Executive Order 9721 – Providing for the Transfer of Personnel to Public International Organizations in Which the United States Government Participates

Executive Order 9721, May 10, 1946, 11 FR 5209, as amended by Executive Order 10103, February 1, 1950, 15 FR 597, which provided for the transfer of Federal Government personnel to public international organizations, was revoked with certain savings provisions by section 2 of Executive Order 10804, February 12, 1959, 24 FR 1147, and subsequently revoked by Executive Order 12553, February 25, 1986, 51 FR 7237.

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